

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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PCT

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing
(day/month/year) **01 MAY 2003**

Applicant's or agent's file reference

NAI/P023 P

REPLY DATE

within 2 months/days from
the above date of mailing

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US02/23811

25 July 2002 (25.07.2002)

26 July 2001 (26.07.2001)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G06F 15/16 and US Cl.: 709/206, 207

Applicant

NETWORKS ASSOCIATES TECHNOLOGY, INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
~~For an informal communication with the examiner, see Rule 66.5~~

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 26 November 2003 (26.11.2003)

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks

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Ayaz R Sheikh

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WRITTEN OPINION

International application No.

PCT/US02/23811

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 - pages 1-15, as originally filed
 - pages NONE, filed with the demand
 - pages NONE, filed with the letter of
- ☒ the claims:
 - pages NONE, as originally filed
 - pages NONE, as amended (together with any statement) under Article 19
 - pages 16-20, filed with the demand
 - pages NONE, filed with the letter of
- ☒ the drawings:
 - pages 1-8, as originally filed
 - pages NONE, filed with the demand
 - pages NONE, filed with the letter of
- ☐ the sequence listing part of the description:
 - pages NONE, as originally filed
 - pages NONE, filed with the demand
 - pages NONE, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☒ the claims, Nos. 1-21
- ☐ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 13.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.
PCT/US02/23811

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims 4, 5, 7, and 12	YES
	Claims 1, 3, 6, and 8-11	NO
Inventive Step (IS)	Claims NONE	YES
	Claims 1-12	NO
Industrial Applicability (IA)	Claims 1-12	YES
	Claims NONE	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT.

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. Citations and Explanations:

1. Claims 1-3, 6, and 8-11 lack novelty under PCT Article 33(2) as being anticipated by McCormick et al. (US 6023723 A).

As per claims 1 and 11, McCormick teaches a method (see abstract) and computer program product (see col.3, lines 27-35) for detecting an unwanted electronic mail message, comprising: receiving user input via a graphical user interface (see Fig.2; col.3, lines 38-39; and col.4, lines 7-13), the user input including indicators of unwanted electronic mail messages, wherein the indicator for a particular unwanted message includes at least one of a URL, a sender, and domain of a sender (see col.2, lines 44-49; and col.3, lines 45-51), the graphical user interface further including a window for displaying to a user text of the particular unwanted message and permitting the user to highlight text of the particular unwanted message in the window (see Fig.2; and col.3, line 56 to col.6, line 10), a menu for selecting measurements to apply to the highlighted text, and a button for adding the selected measurements to the indicators (see Fig.2, col.3, lines 63 to col.4, line 6, and col.3, lines 12-20), storing the user input indicators in a database (see col.4, lines 51-56); receiving an electronic mail message prior to delivery of the electronic mail message to an intended recipient of the electronic mail message (see col.2, lines 47-50); analyzing the electronic mail message using the user input indicators stored in the database (see col.3, lines 48-51, and col.4, lines 20-25); classifying the electronic mail message as unwanted, possibly unwanted, and wanted based on the analysis using the user input indicators stored in the database and the analysis using data collected from an archive of known unwanted messages (see col.4, lines 20-56); sending the electronic mail message to the intended recipient if the electronic mail message is not determined to be unwanted (see col.4, lines 26-28); and selecting a disposition of the electronic mail message if the electronic mail message is determined to be unwanted, the disposition including at least one of: not delivering the electronic mail message to the intended recipient, sending the electronic mail message to an administrator, and sending the electronic mail message to a quarantine (see col.4, lines 26-28).

As per claim 2, McCormick further teaches wherein the measurements to apply to the highlighted text are selected from the menu utilizing a right-click action of a mouse (see col.5, line 65 to col.6, line 1).

As per claim 3, McCormick further teaches wherein the measurements include a plurality of instances of the highlighted text (see col.4, lines 3-6; and col.5, line 65 to col.6, line 10).

As per claim 6, McCormick further teaches wherein the graphical user interface is further adapted to allow review of the measurements (see abstract).

As per claim 8, McCormick further teaches wherein the graphical user interface is displayed in response to the selection of a uniform resource locator (see col.6, lines 11-14).

As per claim 9, McCormick further teaches wherein the uniform resource locator is included in an electronic mail message sent to the user (see Fig.2; and col.5, lines 61-62).

As per claim 10, McCormick further teaches wherein the electronic mail is sent to the user in response to the submission by the user of an electronic mail message determined to be unwanted (see col.4, lines 36-42).

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

2. Claims 4 and 5 lack an inventive step under PCT Article 33(3) as being obvious over McCormick et al. (US 6023723 A) in view of Miller (US 5805911 A).

As per claim 4, McCormick does not teach wherein the measurements include a count of a number of instances of the highlighted text. Miller teaches wherein the measurements include a count of a number of instances of the highlighted text (see col.10, lines 53-58). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Miller within the system of McCormick by counting the number of instances of a particular text within the unwanted email detection method because McCormick already teaches that text can be used to either accept or discard e-mails, thus by implementing an instance counter, one of ordinary skill in the art would be able to filter e-mails not only by the text inputted, but also by the amount of frequency of the text used within the e-mail.

As per claim 5, McCormick does not teach wherein the measurements include a ratio of the highlighted text with respect to a total number of words. Miller teaches wherein the measurements include a ratio of the highlighted text with respect to a total number of words (see col.11, lines 4-7). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Miller within the system of McCormick by measuring the ratio of the text with respect to a total number of words within the unwanted email detection method because McCormick already teaches that text can be used to either accept or discard e-mails, thus by implementing a ratio of frequency with respect to total number of words, one of ordinary skill in the art would be able to filter e-mails not only by the text inputted, but also by the amount of frequency of the text used within the e-mail.

3. Claim 7 lack an inventive step under PCT Article 33(3) as being obvious over McCormick et al. (US 6023723 A) in view of Birrell et al. (US 6092101 A).

McCormick does not explicitly teach wherein the graphical user interface includes an applet. Birrell teaches wherein the graphical user interface includes an applet (see col.2, lines 56-63). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Birrell within the system of McCormick by implementing a GUI including applets within the unwanted email detection method because McCormick teaches that the system is implementing using a web server via the Internet, thus one of ordinary skill in the art would employ the GUI to be a browser which incorporate applets as taught by Birrell.

4. Claim 14 lack an inventive step under PCT Article 33(3) as being obvious over McCormick et al. (US 6023723 A) in view of Miller (US 5805911 A), Birrell et al. (US 6092101 A), and Parry et al. (US 6047277 A). McCormick teaches a method (see abstract) for detecting an unwanted electronic mail message, comprising: receiving user input via a graphical user interface (see Fig.2; col.3, lines 38-39; and col.4, lines 7-13), the user input including indicators of unwanted electronic mail messages, wherein the indicator for a particular unwanted message includes at least one of a URL, a number, and domain of a number (see col.2, lines 44-49; and col.3, lines 45-51), the graphical user interface further including a window for displaying to a user text of the particular unwanted message and permitting the user to highlight text of the particular unwanted message in the window (see Fig.2; and col.5, line 56 to col.6, line 10), a menu for selecting measurements to apply to the highlighted text, and a button for adding the selected measurements to the indicators (see Fig.2; col.3, line 63 to col.4, line 6; and col.6, lines 18-20), the graphical user interface further adapted to allow the user to review the measurements (see abstract), the measurements to apply to the highlighted text being selected from the menu utilizing a right-click action of a mouse (see col.5, line 65 to col.6, line 1), the measurements including the existence of a plurality of instances of the highlighted text, a count of the number of instances of the highlighted text (see claim 4 rejection above), a ratio of the highlighted text with respect to a total number of words (see claim 5 above), the graphical user interface including an applet displayed (see claim 7 rejection above) in response to the selection of a uniform resource locator included in an electronic mail message (see col.6, lines 11-14) sent to the user in response to the submission by the user of an electronic mail message determined to be unwanted; storing the user input indicators in a database (see col.4, lines 57-62 and col.5, lines 15-23); receiving an electronic mail message prior in delivery of the electronic mail message to an intended recipient of the electronic mail message (see col.2, lines 47-50); analyzing the electronic mail message using the user input indicators stored in the database (see col.3, lines 48-51; and col.4, lines 20-25); analyzing the electronic mail message using data collected from a public archive of known unwanted messages (see col.2, lines 60-64; col.3, lines 54-56); classifying the electronic mail message as unwanted, possibly unwanted, and wanted based on the analysis using the user input indicators stored in the database, the analysis using data collected from an archive of known unwanted messages (see col.4, lines 20-56); sending the electronic mail message to the intended recipient if the electronic mail message is not determined to be unwanted; selecting a disposition of the electronic mail message if the electronic mail message is determined to be unwanted, the disposition selected from the group including not delivering the electronic mail message to the intended recipient, sending the electronic mail message to an administrator, and sending the electronic mail message to a quarantine (see col.4, lines 20-25); and allowing configuration of analysis parameters while simultaneously performing the analyses (see col.4, line 57 to col.5, line 8; and col.7, lines 40-51).

McCormick does not teach that the user input being encrypted at least in part. Birrell teaches that the user input being encrypted at least in part (see col.4, lines 5-9). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Birrell within the system of McCormick by employing an encryption mechanism within the unwanted email detection method because McCormick teaches that the system is implementing using a web server via the Internet, thus to ensure security via the Internet, one of ordinary skill in the art would employ an encryption mechanism such as a firewall.

McCormick does not teach analyzing the electronic mail message using a neural network engine by gathering statistics associated with the text using a statistical analyzer by analyzing a character type including Unicode, teaching the neural network

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

engine coupled to the statistical analyzer to recognize unwanted messages based on statistical indicators, wherein the teaching of the neural network engine includes identifying a message as an unwanted message, the features of the message that make the message unwanted are identified, and the identified features are stored and used by the neural network engine to identify subsequent unwanted messages, and analyzing the statistical indicators utilizing the neural network engine. Parry teaches of a neural network engine that analyzes text messages (see col.2, lines 24-35) by: gathering statistics associated with the text using a statistical analyzer (see col.3, lines 39-45) by analyzing a character type including Unicode (see col.4, lines 17-21), teaching the neural network engine coupled to the statistical analyzer to recognize unwanted messages based on statistical indicators, wherein the teaching of the neural network engine includes identifying a message as an unwanted message, the features of the message that make the message unwanted are identified, and the identified features are stored and used by the neural network engine to identify subsequent unwanted messages, and analyzing the statistical indicators utilizing the neural network engine (see Fig.5; col.3, lines 15-51; and col.7, line 43 to col.8, line 25). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Parry within the system of McCormick by implementing a neural network within the unwanted email detection method because Parry teaches that the raw text data can be an Internet resource such as an e-mail (see col.4, lines 12-14) and McCormick teaches of unwanted junk e-mails.

NEW CITATIONS

US 5,805,911 A (MILLER) 08 September 1998, see col.10, line 53 to col.11, line 7.

US 6,023,723 A (MCCORMICK et al) 06 February 2000, see col.1 to col.6.

US 6,067,277 A (PARRY et al) 04 April 2000, see fig.5, col.2, line 24 to col.4, line 21, and col.7, line 43 to col.8, line 25.

US 6,092,161 A (DURRELL et al) 10 July 2000, see col.2, lines 56-60 and col.4, lines 5-9.